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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,235	04/13/2004	Russell John Pylkki	A202 1441.2	4063

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EXAMINER

JOHNSON, BLAIR M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,235

Applicant(s)

PYLKKI ET AL.

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55-117 is/are pending in the application.
- 4a) Of the above claim(s) 62-67, 69-77, 81-83, 87, 90-92, 94 and 113-117 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55-61, 68, 78-80, 84-86, 88, 89, 93 and 95-112 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/27/04; 11/3/04; 12
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 112

Claims 85 and 86 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 85, the term "transmittance is ambiguous. It is not clear if such transmittance is a function of insect passage, light passage, air passage, electromagnetic wave passage, etc.

In claim 86, the phrase "the percent open area facilitates increased airflow" is ambiguous since the open area is a set number which would not facilitate "increased" airflow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 84-86 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Strauss.

Strauss discloses a screen material which has the intersections of the components thereof joined by way of a coating which does not close the mesh. See page 3, first full paragraph.

Claims 88,89,111 and 112 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Applicant's disclosure.

On page 13, Applicant discloses that example 6 is "commercially available" from TWP, Inc. Example 6 has a transmittance of 0.897 and a diameter of 0.0012 in., along with an open area of 88%. Regarding the reflectance, the value 0.044 would be rounded down to 0.04 and therefore meets the "0.04" limitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 55-61,68 and 78-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Uschold.

Strauss is discussed above. Further, the coating of a material for the purpose of reducing light reflectance is disclosed by Uschold et al. He provides a matte finish using a polymer coating having a thickness in the range of 0.1 to about 1.5 mils. See column 3, line 10- column 4, line 37. In view of this teaching, it would have been obvious to modify Strauss to have such a coating so as to reduce glare.

Claim 59 recites a process and does not affect the structure of the claim. Claim 61 also recites materials "derived" from other materials which also does not constitute a structural limitation.

Claims 93,95,106 and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosure in view of Japanese patent No. 195646. '646 discloses a framed screen door which is concerned reflection whereby he coats his screen with "light absorbable black color", abstract. It would have been obvious to coat the presently disclosed screen material with such a color, as suggested by '646.

Claims 96-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosure (see above) in view of Strauss.

The use of a coating to bind the elements of a screen is taught by Strauss, as discussed above and it would have been obvious to modify the disclosed screen to have such adhesive so as to increase the integrity of the grid.

Claims 100-105 and 108-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosure as applied above, and further in view of Uschold and Strauss.

Uschold is applied here as above. Further, the application of coating after the screen elements are integrated into a screen for the purpose of joining them is taught by Strauss, also as discussed above. It would have been obvious to provide the disclosed screen with the coating of Uschold to reduce glare and to apply it so as to bond the elements together, as suggested by Strauss.

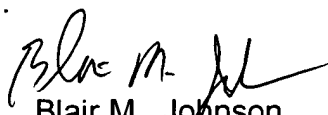
Conclusion

Applicant's election is noted. Upon reconsideration of claims 69-77, they are indefinite as it is unclear if they are method or article claims (an "uncoated" element and a "coating" applied thereto are recited) and are currently considered to be method claims at this time and therefore will also not be examined on the merits.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Blair M. Johnson
Primary Examiner
Art Unit 3634